

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 3/22/2023

SHIVA STEIN,

Plaintiff,

-against-

FIRST EAGLE ALTERNATIVE CAPITAL BDC,  
INC., et al.,

Defendants.

1:22-cv-9932-MKV

ORDER OF DISMISSAL

MARY KAY VYSKOCIL, United States District Judge:

Plaintiff initiated this action by filing a complaint on November 22, 2022. [ECF No. 1].

On March 6, 2023, the Court directed plaintiff, who had done nothing to prosecute the case, to serve the summons and complaint on the defendants on or before March 20, 2023. ECF No. 3.

The Court warned that “if plaintiff fails to show cause, in writing, why service has not been made, the complaint will be dismissed for failure to prosecute pursuant to Rules 4 and 41 of the Federal Rules of Civil Procedure.” ECF No. 3

To date, no proof of service of the summons and complaint has been filed and plaintiff has not prosecuted this case. Accordingly, IT IS HEREBY ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court’s calendar if the application to restore the action is made by April 22, 2023. If no such application is made by that date, today’s dismissal of the action is with prejudice. *See LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

**SO ORDERED.**

Date: **March 22, 2023**  
**New York, NY**

  
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MARY KAY VYSKOCIL  
United States District Judge